

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

LAJUAN TUCKER,

Plaintiff,

Case No. 3:18-cv-402

vs.

OHIO BELL TELEPHONE COMPANY,

Defendant.

District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

ORDER AND ENTRY: (1) GRANTING ATTORNEY BRUCE’S MOTION TO WITHDRAW AS PLAINTIFF’S ATTORNEY OF RECORD (DOC. 11); (2) DIRECTING THE CLERK OF COURT TO UPDATE THE DOCKET TO REFLECT THAT PLAINTIFF IS NOW PROCEEDING *PRO SE* ; (3) GRANTING DEFENDANT’S MOTION TO COMPEL (DOC. 13) AND ORDERING PLAINTIFF TO RESPOND WITHIN FOURTEEN DAYS TO ANY AND ALL OUTSTANDING DISCOVERY REQUESTS OR TO NOTIFY THE COURT AND OPPOSING COUNSEL OF A DATE UPON WHICH SHE CAN PROVIDE COMPLETE RESPONSES TO ANY AND ALL OUTSTANDING DISCOVERY REQUESTS; (4) ORDERING PLAINTIFF TO NOTIFY THE COURT AND OPPOSING COUNSEL WITHIN 14 DAYS OF HER CURRENT CONTACT INFORMATION AND ADVISING HER OF HER CONTINUING DUTY TO IMMEDIATELY NOTIFY THE COURT AND OPPOSING COUNSEL OF ANY AND ALL CHANGES TO HER CONTACT INFORMATION DURING THE PENDENCY OF THIS CASE; (5) NOTIFYING PLAINTIFF THAT HER FAILURE TO COMPLY WITH COURT ORDERS OR TO KEEP THE COURT AND OPPOSING COUNSEL APPRISED OF HER CONTACT INFORMATION MAY RESULT IN THE DISMISSAL OF THIS CASE FOR FAILURE TO PROSECUTE; AND (6) ORDERING ATTORNEY BRUCE TO SERVE A COPY OF THIS ORDER ON PLAINTIFF AT HER LAST KNOWN ADDRESS

This civil case is before the Court on the motion of Plaintiff’s attorney Matthew Bruce to withdraw as Plaintiff’s attorney of record. Doc. 11. Plaintiff was provided an opportunity to respond to her counsel’s motion (doc. 12), however, she filed no response and the time for doing so has expired. Accordingly, the motion to withdraw is ripe for decision.

In the motion to withdraw, Attorney Bruce represents that Plaintiff has not been responsive to efforts to contact her for the purpose of providing responses to discovery served on her by Defendant. Doc. 11 at PageID 83. Attorney Bruce further represents that the first attempt to contact Plaintiff

regarding Defendant's discovery requests was made on May 15, 2019, *i.e.*, almost four months ago. *Id.* In light of Plaintiff's failure to communicate with her attorney and to assist in the prosecution of this civil action, Attorney Bruce now seeks leave to withdraw. For good cause shown, and absent objection by Plaintiff or Defendant, counsel's motion to withdraw (doc. 11) is **GRANTED**.

The Clerk is **ORDERED** to update the docket to reflect that Plaintiff is now proceeding in this matter *pro se*. Attorney Bruce, although no longer counsel for Plaintiff, is **ORDERED** to serve a copy of this Order on Plaintiff by regular mail to her last known address. Within **14 days** from the entry of this Order, Plaintiff is **ORDERED** to file a notice advising the Court and opposing counsel of her current contact information (mailing address and phone number) and is **ADVISED** of her continuing duty to immediately notify the Court and opposing counsel of any and all changes to her contact information while this case remains pending.

In addition to the foregoing, and in light of the Plaintiff's apparent failure to respond to discovery to date, Plaintiff is **ORDERED** to either: (1) serve complete responses to any and all outstanding discovery requests within **14 days** from the entry of this Order and to file a notice with the Court certifying service of such responses; *or* (2) file with the Court a notice within **14 days** from the entry of this Order advising the Court and opposing counsel of a date specific by which she will provide complete responses to any and all outstanding discovery requests. To this end, Defendant's motion to compel (doc. 13) is **GRANTED**.

Finally, Plaintiff is **NOTIFIED** that her failure to comply as ordered herein may result in the issuance of sanctions, including the dismissal of this action for failure to prosecute.

IT IS SO ORDERED.

Date: September 30, 2019

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge